

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
December 14, 2005

ITEM: 11

SUBJECT: Supplemental Environmental Project (SEP): JRMCI Real Estate, Inc., Escondido, CA. The Regional Board will consider a \$200,000 SEP proposal. **NOTE: The current SEP proposal now includes an additional \$25,000 on behalf of the City of Escondido, for a total of \$225,000.** (Tentative Resolution R9-2005-0262) (Frank Melbourne)

PURPOSE: Proposal of a SEP is part of the settlement of the \$1.25 million Administrative Civil Liability Order (ACL) No. R9-2005-0237 (Document No. 2.) adopted by the Regional Board on September 14, 2005, which allows JRMCI to satisfy up to \$200,000 of the liability and the City of Escondido to satisfy up to \$25,000 of its liability to fund SEPs that are acceptable to the Regional Board. If the Regional Board does not approve the dischargers' proposal by December 14, 2005, then JRMCI will be required to submit \$200,000 and the City of Escondido \$25,000 to the State Board's Cleanup and Abatement Account. The Regional Board will consider a \$225,000 SEP pursuant to the terms of ACL Order R9-2005-0237.

PUBLIC NOTICE: A newspaper notice of this action was published in the North County Times on November 10, 2005.

DISCUSSION: The Regional Board received JRMCI Real Estate, Inc. and the City of Escondido's SEP proposal on November 9, 2005 along with a request to place the SEP proposal before the Regional Board for consideration at the December 14, 2005 meeting (Document No. 3.). The SEP proposes to develop and partially implement a plan to control streambank and bed erosion in the Escondido Creek Watershed and to contribute funds to the ongoing exotic invasive plant species control effort of the San Elijo Lagoon Conservancy (SELC). The State Water Resources Control Board funded the removal of exotic invasive plant species throughout the entire Carlsbad Hydrologic Unit through a Proposition 13 Watershed Protection Program grant of \$3.96 million to the SELC. This grant-funded project has already completed the planning work, CEQA compliance work, and the permitting work necessary and is

scheduled for completion by March 2007. The SELC project received 80% of the funds requested and would put to good use the financial assistance being offered by JRMC and the City of Escondido in the proposed SEP (Document No. 4.).

Implementation of the SEP is designed to reduce the amount of sediment being discharged into San Elijo Lagoon, and, in so doing, improve the beneficial uses of Escondido Creek and San Elijo Lagoon. On November 23, 2005, the following recommendations were provided to JRMC and the City of Escondido's consultant Keith Merkel, Merkel and Associates, Inc:

1. Define in writing and provide examples of "bioengineering bed and bank stabilization."
2. Add three more years of monitoring, for a total of five years to adequately determine the efficacy of the demonstration project.
3. The Harmony Grove site is a more suitable candidate site for a demonstration project because: 1) it is about one mile downstream from JRMC's construction site; 2) the river channel is a source of a great amount of accumulated sediment, and 3) SELC is already monitoring the site.
4. Add aquatic biological assessment upstream, downstream and at the demonstration site during the five-year monitoring period. Aquatic biological assessment (bioassessment) is a survey of the animals, plants, and microbes that live in or near the creek to determine the condition of aquatic resources. SELC is currently conducting a bioassessment at the Harmony Grove location, however funding for the bioassessment will end in approximately one year.
5. Reexamine the funds budgeted toward Task 1.b. "Conduct field inventories of channel erosion areas" and 2.e. "Implement demonstration project." Perhaps the field inventory is not as complex or difficult as originally budgeted such that funds can be shifted from Task 1.b. to 2.e.

NOTE: JRMC and the City submitted a revised SEP proposal on December 1, 2005, which has not been reviewed.

KEY ISSUES:

Does the proposed SEP warrant \$225,000 in funding from the ACL settlement?

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

1. Tentative Resolution R9-2005-0262
2. ACL No. R9-2005-0237
3. SEP Proposal
4. SELC Letter, November 10, 2005

RECOMMENDATION: A recommendation on whether to adopt or reject the SEP proposal
will be made at the Regional Board Meeting.